

21
FILED

CARL WAYNE EDMISTON
905 W Bell De Mar Dr.
Tempe, Arizona 85283
602-318-4084

Debtor Pro Se

OCT 22 2009

UNITED STATES
BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

CARL WAYNE EDMISTON,)	No. 2:09-bk-23378-CGC
)	Chapter 7 Proceeding
Debtor.)	
THE BANK OF NEW YORK MELLON,)	DEBTOR'S RESPONSE TO MOVANT'S
fka The Bank of New York as Successor in)	MOTION TO LIFT THE AUTOMATIC
interest to JP Morgan Chase Bank NA, as)	BANKRUPTCY STAY
Trustee for Structured Asset Mortgage)	
Investments II Inc. Bear Stearns ALT-A)	
Trust 2005-4, Mortgage Pass-Through)	
Certificates, Series 2005-4,)	
Movant,)	
v.)	
CARL WAYNE EDMISTON, Debtor;)	
BRIAN J MULLEN, Trustee,)	
Defendant.)	

COMES NOW debtor and for his response to movant's motion to lift the automatic stay and enters the following.

The motion should be denied.

The property referenced in the motion, and the documents attached in the motion, are true and correct.

Debtor denies the exact amount claimed to be due and alleges affirmatively that he is contemplating either restructuring this mortgage with the lender or, alternatively, converting this matter to a Chapter 13 proceeding.

By way of affirmative defense, debtor alleges that movant does not own the promissory note in question giving rise to the motion and, as the case may be, would not have standing to bring the present

motion.

Wherefore, the motion should be denied.

Dated this 21 day of OCTOBER, 2009.


CARL WAYNE EDMISTON

A copy of the foregoing
mailed this 21 day of
OCTOBER, 2008 to:

Mark S. Bosco
TIFFANY & BOSCO, PA
2525 E. Camelback Road, Suite 300
Phoenix, Arizona 85016-4237



Carl Wayne Edmiston